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HOUSE BILL 1850

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State of Washington

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By Representatives McMahan, Robertson, Delvin, Chappell, Cody, Sheahan, Talcott, Koster, Huff, D. Schmidt, Backlund, Pelesky, Mulliken, Schoesler, Smith, Fuhrman, Clements, L. Thomas, Kremen and Sheldon

Read first time 02/10/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the law enforcement officers' bill of rights;  
2 and adding a new chapter to Title 44 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** Whenever a law enforcement officer is under  
5 investigation or subjected to interrogation by a law enforcement  
6 agency, for any reason which could lead to disciplinary action,  
7 demotion, or dismissal, the investigation or interrogation shall be  
8 conducted under the following conditions:

9 (1) The interrogation shall be conducted at a reasonable hour,  
10 preferably at a time when the law enforcement officer is on duty;

11 (2) The interrogation shall take place at an office within the  
12 department previously designated for that purpose by the chief of  
13 police;

14 (3) The law enforcement officer under interrogation shall be  
15 informed of the name, rank, and command of the officer in charge of the  
16 investigation, the interrogating officer, and all persons present  
17 during the interrogation. All questions directed to the officer under  
18 interrogation shall be asked by and through one interrogator;

1 (4) No complaint against a law enforcement officer may be brought  
2 before a hearing committee unless the complaint is sworn to before an  
3 official authorized to administer oaths;

4 (5) The law enforcement officer under investigation shall be  
5 informed in writing of the nature of the complaint at least five days  
6 prior to any interrogation, and of the names of all complainants and  
7 witnesses;

8 (6) Interrogating sessions shall be for reasonable periods and  
9 shall be timed to allow for such personal necessities and rest periods  
10 as are reasonably necessary;

11 (7) Any law enforcement officer under interrogation shall not be  
12 threatened with transfer, dismissal, suspension, or disciplinary  
13 action;

14 (8) A complete record shall be kept of any interrogation. A copy  
15 of the record shall be available to the officer or his or her counsel  
16 upon request and without charge;

17 (9) If any law enforcement officer under interrogation is under  
18 arrest, or is likely to be placed under arrest as a result of the  
19 interrogation, he or she shall be completely informed of all his or her  
20 rights prior to the commencement of the interrogation;

21 (10) At the request of any law enforcement officer under  
22 interrogation, he or she shall have the right to a representative of  
23 his or her choice who shall be present at all times during the  
24 interrogation. The interrogation shall be suspended for a reasonable  
25 time until representation can be obtained;

26 (11) No statute may abridge nor may any law enforcement agency  
27 adopt any rule or regulation which prohibits the right of a law  
28 enforcement officer to bring suit arising out of his or her duties as  
29 a law enforcement officer;

30 (12) No law enforcement agency may insert any adverse material into  
31 any file of the officer unless the officer has an opportunity to review  
32 and receive a copy of the material in writing, unless the officer  
33 waives this right in writing;

34 (13) In all investigations, the law enforcement officer shall be  
35 considered innocent until proven guilty; and

36 (14) Before a law enforcement officer may be dismissed, demoted, or  
37 suspended, the officer shall have the right to an in person hearing  
38 before either the agency representative making the disciplinary

1 decision or an agency representative with the authority to effectively  
2 recommend the disciplinary decision.

3 NEW SECTION. **Sec. 2.** No law enforcement officer may be required  
4 or requested to disclose any item of his or her, or a member of his or  
5 her family or household's, property, income, assets, source of income,  
6 debts, or personal or domestic expenditures unless that information is  
7 necessary in investigating a possible conflict of interest with respect  
8 to the performance of his or her official duties, or unless the  
9 disclosure is required by law.

10 NEW SECTION. **Sec. 3.** Any law enforcement officer who has been  
11 involved in the use of deadly force shall have the right to consult  
12 with an attorney prior to giving a statement about the incident  
13 involving the use of force.

14 NEW SECTION. **Sec. 4.** This chapter shall not be construed as  
15 denying any law enforcement officer any right guaranteed through the  
16 provisions of a collective bargaining agreement negotiated under  
17 chapter 41.56 RCW.

18 NEW SECTION. **Sec. 5.** This chapter may be known and cited as the  
19 law enforcement officers' bill of rights.

20 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall  
21 constitute a new chapter in Title 41 RCW.

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